

**CEDARS INTERNATIONAL ACADEMY  
SPECIAL EDUCATION VIDEO AND AUDIO MONITORING  
ADMINISTRATIVE GUIDELINES AND PROCEDURES**

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**Board Policy Title:** Special Education

**Board Policy Subtitle:** Video/Audio Monitoring

**Board Policy Code:** 700-460

**Statutory Authority:** TEC, § 29.022

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**Purpose:** To promote the safety of students who receive special education services in self-contained classrooms or other special education settings, the School shall provide video equipment to each campus in which a student who receives special education services in a self-contained classroom or other special education setting is enrolled, upon request by a parent, staff member, or trustee.

**Effective Date:** February 2017

**Applies to:** Students who receive special education services in self-contained classrooms or other special education settings.

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**Reason for Guidelines:** To comply with Senate Bill 507 and Texas Education Code, § 29.022 and to establish procedures for parents, staff members, and trustees when requesting video and audio monitoring in special education classrooms

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**I. DEFINITIONS**

- A. **PARENT.** “Parent” is a person as described in TEC, § 26.002, whose child receives special education and related services for at least 50% of the instructional day in a self-contained classroom or other special education setting. “Parent” also includes a student who receives special education and related services for at least 50% of the instructional day in a self-contained classroom or other special education setting and who is 18 years of age or older, or whose disabilities of minority have been removed for general purposes under Family Code, Chapter 31, unless the student has been determined to be incompetent or the student’s rights have been otherwise restricted by a court order.
- B. **STAFF MEMBER.** “Staff member” is a teacher, related service provider, paraprofessional, or educational aide who is assigned to work in the self-contained classroom or other special education setting. “Staff member” also includes the principal or assistant principal of the campus at which the self-contained classroom or other special education setting is located.
- C. **TRUSTEE.** “Trustee” is a member of the School’s Board of Trustees.
- D. **SELF-CONTAINED CLASSROOM.** “Self-contained classroom” is a classroom on a regular school campus (i.e., a campus that serves students in general education and students in special education) in the School in which the majority of the students in regular attendance are provided special education and related services. These arrangements include the following instructional arrangements or settings described in TEA’s *Student Attendance Accounting Handbook (SAAH)*:
1. Self-contained (mild/moderate/severe) regular campus;
  2. Full-time early childhood (preschool program for children with disabilities) special education setting;

3. Residential care and treatment facility—self-contained (mild/moderate/severe) regular campus;
  4. Residential care and treatment facility—full-time early childhood special education setting;
  5. Off home campus—self-contained (mild/moderate/severe) regular campus; or
  6. Off home campus—full-time early childhood special education setting.
- E. **OTHER SPECIAL EDUCATIONAL SETTING.** “Other special education setting” means a classroom on a separate campus (i.e., a campus that serves only students who receive special education and related services) or a school in which a majority of the students in regular attendance are provided special education and related services.
- F. **VIDEO CAMERA.** “Video camera” is a video surveillance camera with audio recording capabilities.
- G. **VIDEO EQUIPMENT.** “Video equipment” means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras, as required by TEC § 29.022 and 19 TAC § 103.1301.
- H. **INCIDENT.** “Incident” means an event or circumstance that:
1. Involves alleged “abuse” or “neglect,” as those terms are described in Family Code § 261.001, of student by an employee of the School or alleged “physical abuse” or “sexual abuse,” as those terms are described in Family Code § 261.410, of a student by another student; and
  2. Allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under TEC § 29.022 and 19 TAC § 103.1301 is conducted.

## II. PROCEDURES AND GUIDELINES

### A. REQUEST FOR THE INSTALLATION OF VIDEO AND AUDIO EQUIPMENT.

1. A parent, staff member, or Trustee, as defined above (“Requestor”), making a formal request for video surveillance shall:
  - a. Complete the Special Education Video and Audio Monitoring Request Form (“Request Form”—Exhibit A) provided by the School.
  - b. The Request Form may be obtained from the Campus Administrative Office, 8416 N IH 35, Austin TX 78753
  - c. The completed Request Form may be submitted to the Campus Principal (“Principal”) via hand delivery, facsimile, or U.S. first class mail.
  - d. The Principal will review the request in accordance with Policy and these regulations.

- B. NOTICE OF INSTALLATION.** Should the Principal grant the request made by the Requestor, the Principal shall provide at least ten School business days’ advanced written notice to staff on the campus and to parents of the students assigned to the classroom or setting in which video and audio surveillance will be conducted.

1. The Principal shall complete the Special Education Video and Audio Monitoring Notice of Installation (“Installation Notice”—Exhibit B).
2. The Principal shall disseminate the Installation Notice to campus staff via School electronic mail.
3. The principal shall post notice of the recording on the outside entrance of the classroom to be monitored.
4. The Principal shall disseminate the Installation Notice to the respective parents via electronic mail and U.S. first class mail.
  - a. An employee of the School is not required to obtain parental consent before the employee may make a videotape of a student or authorize the recording of a student’s voice if the videotape or voice recording is used for a purpose related to the promotion of student safety under TEC § 29.022.

**C. INSTALLATION AND OPERATION OF VIDEO AND AUDIO EQUIPMENT.**

1. The installation of video cameras in the classroom or other setting, as required by law, shall be completed by the contracted individual depending upon bid.
2. The installation shall be completed no sooner than ten (10) School business days after the Installation Notice has been disseminated to staff and parents.
  - a. Video cameras must be able to record video and audio of all areas of the classroom or setting.
  - b. No video surveillance shall be conducted inside a bathroom or other area used for toileting or diapering a student or removing or changing a student’s clothes.
3. The Principal shall provide the staff member, who is assigned to work in the self-contained classroom or other setting in which video cameras are placed, with a notice that the staff member will post at the entrance of the classroom or other setting, stating: “Video and Audio Surveillance is Conducted in Classroom [insert classroom number].”
4. The Principal shall designate School personnel who will be responsible for operating and maintaining the video equipment and video recordings. Only the following listed personnel may access the video equipment or video recordings for purposes of operating and maintaining the equipment or recordings:
  - a. Video cameras must be operated at all times during the instructional day when students are in the self-contained classroom or other special education setting. The instructional day, used herein, is defined as the portion of a school day during which instruction is taking place in the classroom or other setting.
  - b. The campus must continue to operate and maintain any video camera placed in a self-contained classroom or other special education setting for as long as the classroom or setting continues to satisfy the requirements in TEC § 29.022(a).

**D. RETENTION OF RECORDINGS.**

1. Video recordings will be retained for at least one year after the date of the recording. Video recordings will be logged according to the date on which the surveillance was captured.

2. Video recordings will be maintained in a datacenter located on the internet.
3. Unauthorized personnel may not access the datacenter.

**E. CONFIDENTIALITY OF RECORDINGS.**

1. Contractors and School personnel with job duties related to the installation, operation, or maintenance of video equipment, or the retention of video recordings, who incidentally view recording when performing regular job duties, such as ensuring the proper functioning of the equipment or retrieving specific footage will not be considered in violation of the confidentiality provisions.
2. No person shall be permitted to continually monitor the video feed from the classroom. Any viewing must be in strict compliance with policy and these procedures.
3. Video and audio recordings made in accordance with these procedures shall be confidential and may only be accessed or viewed by the following individuals under limited circumstances permitted by law:
  - a. A School employee or parent of a student who is involved in an incident documented by a recording for which a complaint has been reported to the School.
  - b. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged abuse or neglect of a child.
  - c. Appropriate TEA or SBEC personnel or their agents as part of an investigation.
  - d. A peace officer, school nurse, School administrator trained in de-escalation and restraint techniques, or human resource staff member (Superintendent, Principal, Assistant Principal or other campus administrator, and any supervisory position within the School's human resources office) in response to a complete or an investigation or an incident.

**F. REPORTING AN INCIDENT.**

1. A person alleging that an incident, as defined by law, has occurred in a self-contained classroom or other special education setting in which video surveillance is being conducted shall complete the Special Education Video and Audio Monitoring Incident Report form ("Incident Report"—Exhibit C).

The Incident Report may be obtained from the Campus Administrative Office.

2. If possible, the Incident Report must be filed within 48 hours or 2 calendar days of the facts giving rise to the allegation.
3. The completed Incident Report may be submitted to the Principal via hand delivery, facsimile, or U.S. first class mail.

4. The Principal, or other authorized individual, shall promptly view the video surveillance footage to identify the relevant portion of the recording. The School may release a recording for viewing by authorized individuals.
5. The Principal or designee shall notify the Reporter whether the alleged incident was recorded in the School's video surveillance footage within 10 School business days after the filing date of the Incident Report, and initiate other steps as required by law, School policy, or local procedures.
6. If TEA or SBEC personnel or their agents, or a peace officer, school nurse, or School administrator views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child under Family Code, Chapter 261, the person must submit a report to DFPS or other authority in accordance with FFG.
7. If the Principal or designee has cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect must report the case immediately to law enforcement or the Texas Department of Family and Protective Services.

#### **G. Complaints.**

1. Complaints related to video and audio recordings under this policy shall be filed in accordance with Policy, as applicable.
  - a. If any person described in Subsections E and F views a video recording and believes that it documents a possible violation of School or campus policy, the person may grant access to the recording to the appropriate legal and human resources personnel of the School to the extent not limited by FERPA or other law.
  - b. A recording that documents a possible violation of School or campus policy may be used in disciplinary action against School personnel and will be released in a legal proceeding at the request of a parent of the student in involved in the incident documented by the recording.

### **III. FORMS**

- A. **EXHIBIT A.** Special Education Video and Audio Monitoring Request Form
- B. **EXHIBIT B.** Special Education Video and Audio Monitoring Notice of Installation
- C. **EXHIBIT C.** Special Education Video and Audio Monitoring Incident Report

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**REQUEST FOR THE INSTALLATION OF VIDEO AND AUDIO RECORDING EQUIPMENT**

*A parent, staff member, or Trustee, as defined by law, may request for the installation of video and audio equipment in a self-contained classroom or other special education setting that meets the state law requirements for such video and audio monitoring. To file a formal request, please complete this form and submit it by hand delivery, fax, or U.S. mail to the campus principal. All requests will be reviewed in accordance with Policy and Procedure.*

**A. Requestor Information**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Home Phone: (\_\_\_\_\_) \_\_\_\_\_ Mobile Phone: (\_\_\_\_\_) \_\_\_\_\_  
Email: \_\_\_\_\_  
Select One:  Parent  Staff Member  Trustee

**B. Student Information**

Name: \_\_\_\_\_  
Campus: \_\_\_\_\_ Grade Level: \_\_\_\_\_  
Teacher: \_\_\_\_\_ Classroom: \_\_\_\_\_

**C. Verification of Information and Understanding of Request Procedures**

*A request form that is incomplete in any material way may be dismissed. You may refile a request with all the required information. Please keep a copy of the completed form for your records.*

*By signing this form, you verify that the information you have provided or asserted is true to the best of your knowledge and that you have read and understand the procedure and requirements found in Policy and Procedure.*

Requestor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***For Office Use Only:***

\_\_\_\_\_  
Principal Date: \_\_\_\_\_

\_\_\_\_\_  
Director of Special Education Services Date: \_\_\_\_\_

\_\_\_\_\_  
Superintendent of Schools Date: \_\_\_\_\_

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**NOTICE OF INSTALLATION OF VIDEO AND AUDIO RECORDING EQUIPMENT**

*The School is required to provide written notice to all staff assigned to the applicable campus and to the parents of the students receiving special education services before the School installs video and audio recording equipment in a self-contained classroom or other special education setting in accordance with Education Code 29.022. Please see Policy and Procedure for further information.*

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**Campus:** \_\_\_\_\_

**Date:** \_\_\_\_\_

As required by law, this letter serves as notice that the campus has received a request to install and operate video and audio recording equipment in the following location(s):

- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

The purpose of such video and audio monitoring is to promote the safety of students who receive special education services. These video and audio recordings may not be used for any other purpose. Regular or continual monitoring of these recordings is prohibited.

Please contact the campus principal should you have any questions.

\_\_\_\_\_  
[Insert Principal Name], Principal of [Insert Campus Name]  
Street Address  
City, State, Zip Code  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

Date: \_\_\_\_\_

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## CEDARS INTERNATIONAL ACADEMY

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### INCIDENT REPORT FORM

*This form is to be completed by a parent or guardian, a representative on behalf of a parent or guardian, or by an employee who notifies the school of an alleged incident that occurred in a self-contained classroom or other special education setting in which audio and video equipment are currently in operation.*

*Upon receipt of this incident report form, appropriate School staff will begin reviewing the recorded footage on the date(s) described below to identify whether any of the incidents, as described below, were recorded. If the recorded footage documents an incident, as defined by law, the School, on request, will release the recording to be viewed by an employee or a parent or guardian of a student who was involved in the incident.*

*Depending on the nature of the incident, the School may be required by law to release the recording to be viewed by to individuals described in Policy, including appropriate personnel or agents of the Department of Family and Protective Services (DFPS) and/or the State Board for Educator Certification (SBECE). Please see Policy and Procedure for more information.*

#### **A. Reporter Contact Information**

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Home Phone: (\_\_\_\_\_) \_\_\_\_\_      Mobile Phone: (\_\_\_\_\_) \_\_\_\_\_

Email: \_\_\_\_\_      Select One:     Parent     Staff

Member

#### **B. Student Information**

Name: \_\_\_\_\_

Campus: \_\_\_\_\_

Grade Level: \_\_\_\_\_

#### **C. Representation**

If you will be represented in voicing your complaint, please identify the person representing you.

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_

#### **D. Details of the Incident**

Date(s) of alleged incident: \_\_\_\_\_

Time(s) of alleged incident: \_\_\_\_\_



Print Name: \_\_\_\_\_

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***For Office Use Only:***

\_\_\_\_\_  
Principal

Date: \_\_\_\_\_

\_\_\_\_\_  
Director of Special Education Services

Date: \_\_\_\_\_

\_\_\_\_\_  
Superintendent of Schools

Date: \_\_\_\_\_